IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2613 of 2007

Sandip Gangaram Shelar — Applicant
Vs.
State of Maharashtra — Respondent

With
Criminal Application No.2614 of 2007

Milind Rajaram Kudtarkar — Applicant
Vs.
State of Maharashtra — Respondent

With
Criminal Application No.2615 of 2007

Nitin Jayaram Kubal — Applicant
Vs.
State of Maharashtra — Respondent

Ms.Rebecca Gonsalvez for applicants.
Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 16, 2007.

P.C.

. Heard Ms.Gonsalvez, the learned counsel for the applicants. As they are seeking common relief, the applications are being disposed off by a common order.

. Consequent to the order passed 9/8/2007, Mr.Shitole, the learned APP has received a report dated 13th August 2007 from the Assistant

Commissioner of Police, Meghwadi Division, MIDC, Andheri (East). The report says that the powers under Section 116 (3) and (6) of the Criminal Procedure Code were invoked and six months extension was granted. Admittedly this period had expired on 7/5/2007.

. In the mean while the show cause notices came to be challenged by the present applicants by filing Revision Applications i.e. Criminal Revision Application Nos.18/2007, 16/2007 and 15/2007. The Revisions were allowed and the order dated 24/11/2006 was set aside. The grievance regarding the transfer of the cases was thus entertained and allowed by the learned Addl. Sessions Judge and, therefore. NCs registered against the applicants were to be decided by an independent SEM/Asst. Commissioner of Police after holding proper enquiry in the chapter cases. These orders were passed on 2nd March 2007. No steps were taken till the end of May 2007 and, therefore, on 4th August 2007, these applications came to be filed praying for quashing the proceedings solely on the ground that even during the extended period the chapter cases could not be enquired into and no final order was passed. The report submitted by the Asst.

Commissioner of Police does not provide any justification except to say that the cases were transferred only on 25/7/2007 pursuant to the order passed by the learned Addl. Sessions Judge and there is no reason to hold that the period to complete the enquiry was extended under Section 116 of Cr.P.C. The learned counsel for the applicants is, therefore, right in her submissions that on account of laxity shown by the Police Officers these chapter cases are required to be quashed.

. Hence the show cause notices dated 2/6/2006 and the criminal proceedings based on these show cause notices against all the applicants are hereby quashed and set aside.

(B.H.MARL